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78637	7590	09/18/2008	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP			ZHOU, YONG	
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BOSTON, MA 02109			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/788,479	Applicant(s) ROULEAU, GORDON	
	Examiner Yong Zhou	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monot, Philippe (US Patent No. 5,708,778), referred to herein as Monot, in view of Chu, Steve et al. (US 2004/0186689), referred to herein as Chu.

Regarding claim 1, Monot teaches a method of configuring a local LAPB device in accordance with a remote LAPB device (automatic configuration... LAPB, col. 9, lines 38-39), said method comprising:

providing a received frame from said remote LAPB device (col. 2, lines 18-20, wherein the answer is received from the network equipment device in response to any prior probe frames from local data terminal device);

automatically configuring the data terminal parameters from the answer frame received from the data communication equipment (DCE) (col. 1, lines 61-64, and col. 2, lines 52-56)

Monot indicates that the invention is also for automatically configuring similar network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar

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network devices” can be interpreted as a DCE as the term “network equipment device” refers to DCE in the reference (col. 2, line 18).

However, Monot does not specifically teach that a local device can be configured as a data terminal equipment device (DTE) or data computing equipment device (DCE) depending on whether the remote device is a DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the other end of the connection is DCE or DTE and automatically launch the correct software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to configure a local device’s mode of operation, DTE or DCE, depending on the type of the remote device, DTE or DCE, to allow proper communication with the remote device.

Regarding claim 5, Monot teaches an apparatus for configuring a local LAPB device in accordance with a remote LAPB device (automatic configuration... LAPB, col. 9, lines 38-39), said apparatus comprising:

a communication port (Fig. 2, #201) receiving a data signal originating from said remote LAPB device and for providing at least one part of said received data signal (col. 2, lines 18-20, wherein the answer is received from the network equipment device (referring to DCE) in response to any prior probe frames from DTE);

a memory (Fig. 2, #203, #208) for storing data identifying at least one of a data computing equipment device and a data terminal equipment device (col. 3, lines 58-60, wherein memory includes the layer 2 configuration parameters data store #208); and

a processing unit (Fig. 2, #200) for receiving said at least one part of said received data signal, determining whether said at least one part of said received data signal is indicative of one of a data computing equipment device and a data terminal equipment device using said data stored in said memory and providing a configuration signal to said local LAPB device (col. 1, lines 61-64, col. 3, lines 53-55, wherein the processor executes the automatic configuration program to configure the local LAPB device based on received information from (DCE) and known DCE behavior).

Monot indicates that the invention is also for automatically configuring similar network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar network devices" can be interpreted as a DCE as the term "network equipment device" refers to DCE in the reference (col. 2, line 18).

However, Monot does not specifically teach that a local device can be configured as a data terminal equipment device (DTE) or data computing equipment device (DCE) depending on whether the remote device is a DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the other end of the connection is DCE or DTE and automatically launch the correct software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to a local device's mode of operation, DTE or DCE, depending on the type of the remote device, DTE or DCE, to allow proper communication with the remote device.

Regarding claim 9, Monot teaches a method of configuring a first device coupled with a second device in a network of devices, the method comprising:

receiving a first signal from the second device (col. 2, lines 18-20, wherein the answer is received from the network equipment device (referring to DCE) in response to any prior probe frames from DTE);

evaluating the received first signal to determine its configuration parameters (col. 1, lines 61-64, col. 3, lines 53-55, col. 7, lines 3-6, wherein the local device checks the answer received from the DCE and configures itself based on received information from (DCE) and known DCE behavior).

However, Monot does not specifically teach that a local device can be configured as a data terminal equipment device (DTE) or data computing equipment device (DCE) depending on whether the remote device is a DCE or DTE type.

Chu teaches that a device can auto-detect whether the device connected at the other end of the connection is DCE or DTE and automatically launch the correct software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot

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invention to configure a local device's mode of operation, DTE or DCE, depending on the type of the remote device, DTE or DCE, to allow proper communication with the remote device.

Regarding claim 2, Monot further teaches monitoring to detect an initiator signal for an asynchronous balanced mode provided by said remote LAPB device and when no initiator signal for asynchronous balanced mode is detected for a given first time period, providing an initiator signal for asynchronous balanced mode to said remote LAPB device (SABM/SABME command, col. 10, line 1; wherein the LAPB asynchronous balanced mode is initiated by the SABM/SABME command frame).

Regarding claim 3, Monot further teaches that said monitoring to detect said initiator for an asynchronous balanced mode from said remote LAPB device is performed during a given time limit (col. 7, lines 5-6).

Regarding claim 4, Monot further teaches providing said given time limit (col. 7, lines 5-6).

Regarding claim 6, Monot further teaches that said communication port provides an initiator signal for an asynchronous balanced mode to said remote LAPB device in the case where no data signal is provided by said remote LAPB device for a given period of time (col. 4, lines 20-22, and col. 10, lines 1-3, wherein the probe sent from the DTE is before data is received from the remote end; the SABM/SABME command sent to the DCE is to initiate the asynchronous balanced mode and trigger the response from the DCE).

Regarding claim 7, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Regarding claim 8, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Regarding claim 10, Monot further teaches:

determining whether the first signal is received from the second device prior to expiration of a first predetermined time period (timeout, col. 7, lines 3-6, col. 8, lines 8-9, col. 10, lines 42-44); and

if the first signal is not received prior to expiration of the first predetermined time period, sending a second signal to the second device (col. 6, lines 40-42, col. 10, lines 46-49m wherein the next probe signal is sent to the second in case of timeout).

Regarding claim 11, Monot further teaches:

determining whether the third signal is received from the second device in response to the second signal prior to expiration of a second predetermined time period (col. 7, lines 3-6, col. 8, lines 8-9, wherein timer is set for waiting an answer to each probe); and

if the third signal is not received prior to expiration of the second predetermined time period, setting a status of the first device to indicate a failure to receive a signal from the second device (col. 8, lines 8-14, wherein no signal may be received from the second device due to the failure in the physical connection).

Regarding claim 12, Monot and Chu teach the limitations of claim 10.

Chu teaches that detected signal received from the other end of connection is an indicator signal for type of option mode for the other connected device and is used to determine the type of operation mode to be the first mode of operation for the local device (Fig. 3, col. 3, lines 6-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to use the received signal from the other connected device to be an indicator for type of the operation mode for the other device to support automatic configuration.

Regarding claim 13, Monot and Chu teach the limitations of claim 9.

Monot does not specifically teach that the first type of device is a data terminal equipment device and the second type of device is a data computing equipment device.

Chu teaches that the first type of device is a data terminal equipment device and the second type of device is a data computing equipment device (Fig. 3, col. 3, lines 6-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to include the data terminal equipment device type and data computing equipment device type in the automatic configuration.

Response to Arguments

3. Applicant's arguments, filed June 25, 2008, have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that the Examiner's characterization of claim 1 does not take note of the configuring of the local LAPB device with respect to the determined type of device for remote LAPB device. In response, the Examiner respectively disagrees with Applicant's arguments. As stated clearly in the previous Office action, Monot does not specifically teach that LAPB device can be configured as a data terminal equipment device (DTE) or data computing equipment device (DCE) depending on whether the remote device is a DCE or DTE, although it does teach configuring the local DTE based on information received from DCE. That is why the secondary reference Chu was introduced to provide teachings for the missing features.

Regarding automatically configuring data terminals and similar network devices stated in Monot (col. 2, lines 52-53), Applicant submitted an interpretation that would equate "network devices" with data terminals or DTE device. The Examiner respectively disagrees with Applicant's interpretation. As Applicant quoted, Monot states that "...at least one probe that is to be sent from a terminal equipment device to network equipment device to which it is communicatively coupled..." (Emphasis added), where the "terminal equipment" is interpreted by the Examiner to be in communication with the "network equipment", or "network device". Nevertheless, this was not used as a substitute for the missing feature in Monto: configuring DCE to communicate with a remote DTE. As stated above, that was why Chu was introduced.

Applicant argues that there is no teaching or suggestion in Chu that a local device is configured as a DTE device when a DCE device is determined to be remotely connected or, conversely, that the local device is configured to be a DCE

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device when the remote device is determined to be a DTE device, as is recited in independent claim 1. In response, the Examiner respectfully disagrees with Applicant's arguments. Chu teaches that a device can auto-detect whether the device connected at the other end of the connection is DCE or DTE and automatically launch the correct software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4). Therefore, combination of Mono and Chu meets the claim requirements.

Rest of Applicant's arguments is directed to a newly added limitation (matching source port) in amended claim. These arguments have been considered but are, therefore, moot in view of the new ground of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Zhou whose telephone number is (571)270-3451. The examiner can normally be reached on Monday - Friday 8:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yong Zhou

September 2, 2008

/Chirag G. Shah/
Supervisory Patent Examiner, Art Unit 2619